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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,616	12/22/2000	Robert Eugene Krautkramer	659/773	4594

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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,616

Applicant(s)

KRAUTKRAMER ET AL.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-42, 44 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-42, 44 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7,9,1112. 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II in Paper No. 14 is acknowledged.

Claims 1-30, 43, 45, 46, and 48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 14.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 47 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "...the saw blades...exerting an upward vertical force on the rolls while the saw blades are in contact with the rolls..." is unclear. It is understood from Figures 36-37 that the saw blades move downward to cut the roll and that would create a downward vertical force. It is uncertain how a upward vertical force is created.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 31-36 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Wheless.

Wheless discloses the invention including a cutting device (50), a pocket (15), that the pocket comprises a an open and closed end (Fig. 4), a first planar surface (14), a second planar surface larger than the first planar surface (Fig. 4), a concave surface between the planar surfaces (Fig. 4), a plurality of channels situated in the pocket (Fig. 1), a sprocket (10) supporting the pockets (Fig. 4), that the sprocket rotates about an axis (17), that the distance between the first and second planar surfaces is greater than the diameter of the log (Fig. 4), that the cutting device exerts a force on the log (Fig. 4), that the first planar surface and the concave surface counterbalance the for exerted by the cutting device, that the cutting device passes through the channels (Fig. 1), and that sprocket supports a plurality of pockets (Fig. 4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 37 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheless in view of Lindenblatt et al. and Brown. Wheless discloses the invention including a plurality of pockets (Fig. 4) that support the work piece along its length (Fig. 1), that the pockets are configured to maintain the work piece in the pockets without the

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use of an external structure (Fig. 4 Examiner notes that item 20 is part of the sprocket and is not an external structure) and that the blade puts an vertical force on the work piece (Fig. 4) but fails to disclose a plurality of circular saw blades that cut the work piece into a plurality of pieces. Lindenblatt et al. teaches the use of a plurality of circular saw blades (62) that cut the work piece into a plurality of pieces (Fig. 1). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Wheless with a plurality of saw blades create a more efficient cutting apparatus.

8. Claims 38-41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheless. Wheless discloses the invention including a pocket with a base defining a horizontal axis (Fig. 4) and an open and closed end (Fig. 4) but fails to disclose that the first planar surface has a width less than 25 mm and a length between 50 mm and 360 mm, that the second planar surface has a width less than 155 mm and a length between 50 mm and 360 mm, that the concave surface has a radius of curvature between 12 mm and 130 mm, that the planar surfaces are 60 degrees above the horizontal axis, and that the planar surfaces are separated by 50 mm and 250 mm. It would have been an obvious matter of design choice to change the planar surfaces and the concave surface, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Conclusion

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown, Mueller, Couch, Wooster, Fleischel et al., Hind, Thieman, Hall, Bush, Jr. et al., Shields, Van Lue et al., and Frisbie.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JP
January 6, 2003



Allan N. Shoap
Supervisory Patent Examiner
Group 3700